

## **How to answer an Exam Essay Question (and “Practice Test” Chapter-End Questions) using the “IRAC” Method**

The essay questions in BLAW 280 exams are designed to not only test your knowledge, but to assess your critical thinking skills. Consider this your opportunity to “play judge.” You will be given a hypothetical set of facts that gives rise to several potential legal claims. You will be asked to analyze the scenario using the “IRAC” method. The outcome is not determined, so you are free to come to your own conclusion(s).

Of course, with the role of judge comes responsibility. You must consider “both sides” of the argument. View the facts from the perspective of both the plaintiff(s) and defendant(s). What arguments would each side make to support a conclusion in their favor? As judge, you must offer an explanation to both the plaintiff(s) and defendant(s) of why you reached your conclusions. Further, you have an obligation to those who may use your decision as authority for future cases posing similar issues. What facts, if added or changed, would be relevant? Merely repeating the rules of law you have learned and then “jumping to a conclusion” will not give adequate guidance, and will not lead to a passing grade on the essay questions.

You have used the “IRAC” method to brief cases that have already been decided. Now let’s see how the judges who decided those cases used the “IRAC” method, using the question given below: (Note: essay questions will be designed to raise several issues. For purposes of illustration, the following question raises one main issue).

### **QUESTION**

Anna is a resident of Sonoma, California who is a regular customer of Bigbucks Coffee on Main Street, which is part of a large national chain of coffee houses. One Tuesday afternoon, Anna went to Bigbucks for a grande Green Tea Latte, which she hopes will help cure her bad cold. After ordering her drink, Anna sat in the corner next to a display case of coffee mugs. While waiting for her drink to be prepared, Anna looks at the coffee mugs on the shelf at her eye level. Several times, she reaches into her large handbag that she has placed on the floor next to her to get a tissue and cough drops. She also picks up the coffee mugs to examine them.

Burt, Bigbucks Store Manager, is alone behind the counter. He has been watching Anna’s movements. When he brings Anna her drink, Burt asks Anna to step in the back office with him and to bring her handbag. Puzzled, Anna follows him. Burt closes the door to the office and asks Anna to open her handbag. She protests, but then opens her handbag. Burt looks through Anna’s handbag. Burt asks Anna why she kept reaching into the handbag while she looked at coffee mugs. Anna is insulted by what Burt is implying. Coughing and blowing her nose, she refuses to answer Burt’s question, and demands an apology. Burt refuses to apologize. Anna exclaims that Bigbucks is a heartless corporation that should be ashamed of itself, and accuses Bigbucks of many offenses, from poor customer service to exploitation of foreign labor markets. After they argue about Bigbucks’ business practices for an hour, Anna asks to leave. Burt says he must call the Regional Manager before he can let her go. Fifteen minutes later, Regional Manager Paul arrived and quickly let Anna leave.

What claim(s) may Anna bring against Bigbucks? Discuss using the “IRAC” method.

SAMPLE ANSWER [WITH DIRECTIONS]

*[Before you begin to write your answer, read the question twice to ensure that you understand the facts. Then, write a brief outline to help you organize your thoughts.]*  
ISSUE: Is Bigbucks liable to Anna for false imprisonment based on Burt's actions? *[The claim that is likely to arise from the facts is false imprisonment. As noted above, essay questions will raise several issues, because the facts will give rise to several claims. Address each claim, or "issue," separately. Even if you think Anna's claim will not be successful, she could still reasonably raise it. Therefore, it deserves your attention.]*

RULE: False Imprisonment is the intentional restraint (complete restraint with no reasonable means of escape) of a person without reasonable cause and without the person's consent. Generally, a storekeeper may detain a customer reasonably suspected of shoplifting for a reasonable time period and in a reasonable manner. *[The elements of a false imprisonment claim are stated, along with the general rule regarding storekeepers that is relevant to Anna's potential claim. Stating the elements of the rule of false imprisonment will help organize the analysis: the judge must apply the rule to the facts.]*

ANALYSIS:

Anna: *[To ensure that you consider "both sides," first discuss one party's arguments, applying the rule to the facts from that party's viewpoint. Predict what she will argue: e.g. "Anna will argue that.... The facts might not be complete: note how the question's silence on certain facts is used to enhance the analysis].*

Anna will argue that Burt intentionally restrained her in an unreasonable manner for an unreasonably long period of time without her consent and for no reasonable cause. First, Burt intentionally restrained Anna by ordering her into the back office and closing the door behind him. While the facts do not state whether the door was locked or whether it was physically possible for Anna to open the door once she was in the office, any attempt by Anna to "escape" would have escalated the danger she felt she was in.

From the moment he approached her and asked her to come to the office with her handbag, Burt had intentionally restrained Anna. Anna was naturally confused and intimidated. While the facts do not indicate Burt's physical stature or "body language," being "asked" by a male manager to come to an office would be intimidating enough for a female customer to comply in order to avoid causing trouble. By following Burt to the office, Anna was not giving consent to being restrained, but rather was trying to avoid more trouble.

As a regular customer of Bigbucks, Anna posed no threat of physical harm nor any reasonable suspicion that she may be shoplifting. While we don't know if Burt's view of Anna was blocked, in observing her movements, Burt could probably see that she was removing objects such as tissue and cough drops from her handbag, and not placing large items like coffee mugs in it. Therefore, there was no reason for Burt to restrain or detain her. Although the facts do not mention Anna's past behavior in the store, as a regular customer, Burt should have recognized Anna as one who posed no threat of shoplifting.

Behind closed doors, Burt searched her purse without any reasonable basis for doing so, given that she had not engaged in behavior that would indicate she was carrying a weapon or shoplifting. Burt detained Anna in an unreasonable manner by leading her to an office: While the facts do not state whether there were others in the store, on a

Tuesday afternoon Anna could have been the only customer. Burt obviously felt comfortable in leaving the store's counter unattended for over an hour, so it may be assumed that Anna was alone with Burt in the store. Under these circumstances, Burt could have simply asked Anna to open her handbag without conducting a search behind closed doors.

Anna will further argue that as soon as Burt determined that no contents were in her handbag, he should have told her she was free to go. From the time Burt looked in her handbag until the time she was told she could leave, an hour and fifteen minutes past, which Anna will argue was an unreasonable period of time. Anna will assert that she discussed Bigbucks's corporate practices given her outrage at being detained in such an unreasonable manner: Burt should have indicated that his interrogation was over by apologizing. At the very least, Anna will argue, as soon as she asked to leave, Burt should have let her go. To detain her after determining that she was not a shoplifter was unreasonable. Upon being called and informed of the situation, Paul should have instructed Burt to let Anna go. However, his quick action in letting her go once he arrived indicates that there was no reason to detain Anna at all.

#### Bigbucks

Bigbucks will argue that Burt's request that Anna voluntarily accompany him to the office, to which she consented, was based on his reasonable suspicion of shoplifting. Bigbucks might argue that Anna was free to not comply with Burt's request, and to leave at any time, and that she therefore was not "intentionally restrained" by Burt. By moving her hands from the coffee mugs to her handbag, Anna created reasonable suspicion that she was shoplifting. Burt's search of her purse was reasonable, given her furtive actions. Additionally, Anna is a regular customer, but perhaps her behavior in the past (which is not described in the facts) would add to Burt's suspicion of her.

Bigbucks will further argue that Burt conducted himself in a reasonable manner. Burt led Anna to the back room to avoid embarrassing her, which made his request not only reasonable, but considerate. As a Bigbucks Manager, he had to confront her as a suspected shoplifter.

Bigbucks will assert that Anna's argumentative and uncooperative attitude displays that not only did she feel "unrestrained," she did not want to leave without discussing her political views regarding the corporation. Burt did not question Anna during their hour and fifteen minutes together, but rather engaged her in a discussion of her concerns regarding Bigbucks. Since she was not being interrogated, Anna could have simply left at any point. Burt wanted to follow procedure by calling the Regional Manager, which is a reasonable step to take in large organizations like Bigbucks. Fifteen minutes is not an unreasonable amount of time to wait for a regional manager to arrive at the site: Paul's arrival was not unreasonably delayed. Therefore Anna was not kept any longer than needed.

CONCLUSION: (judgment for either Anna or Bigbucks)[*There is no "wrong" conclusion, unless it is wholly unsupported by your analysis. You may wish to organize your analysis to "end with the winning points: in this example, perhaps the "judge" will conclude in favor of Bigbucks*].